

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEZEKIAH ESAU BAKER,

Plaintiff,

vs.

PENNEY OPCO LLC, *et al.*,

Defendants.

Case No.: 2:24-cv-02084

**ORDER ADOPTING
REPORT AND RECOMMENDATIONS**

Pending before the Court are two Report and Recommendations (“R&R”), (ECF No. 15, 17), from United States Magistrate Judge Elayna J. Youchah. The first R&R recommends that Plaintiff Hezekiah Baker’s claims for fraud and “malice” be dismissed with prejudice (*See generally* First R&R, ECF No. 15). The second R&R recommends that Plaintiff’s claims stating a failure to respond to a consumer complaint, negligent infliction of emotional distress, and fraudulent concealment claims be dismissed with prejudice. (*See generally* Second R&R, ECF No. 17).

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a

1 district court is not required to review a magistrate judge's R&R where no objections have been
2 filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

3 No objections to the R&Rs were filed, and the deadlines to do so have passed. (*See*
4 *generally* First R&R) (setting a June 3, 2025, deadline for objections); (*See generally* Second
5 R&R) (setting a July 2, 2025, deadline for objections).

6 Accordingly,

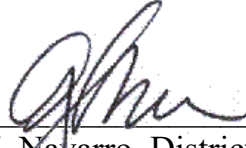
7 **IT IS HEREBY ORDERED** that the first Report and Recommendation, (ECF No. 15),
8 is **ACCEPTED and ADOPTED** in full.

9 **IT IS FURTHER ORDERED** that the second Report and Recommendation, (ECF No.
10 17), is **ACCEPTED and ADOPTED** in full.

11 **IT IS FURTHER ORDERED** that Plaintiff's claims for fraud and "malice" are
12 **DISMISSED** with prejudice.

13 **IT IS FURTHER ORDERED** that Plaintiff's claims stating a failure to respond to a
14 consumer complaint, negligent infliction of emotional distress, and fraudulent concealment
15 claims are **DISMISSED** with prejudice.

16 Dated this 8 day of July, 2025.

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20 Gloria M. Navarro, District Judge
21 United States District Court
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